

CESAS-OP-F

SUBJECT: MODIFICATION – REGIONAL PERMIT RP0036

Permit Effective Date: November 3, 2005

Expiration Date: November 3, 2010

DEPARTMENT OF THE ARMY  
REGIONAL PERMIT FOR THE ADDITION OF MATERIALS TO AND/OR  
EXPANSION OF THE EXISTING GEORGIA DEPARTMENT OF NATURAL RESOURCES  
ARTIFICIAL REEFS OFFSHORE IN THE ATLANTIC OCEAN

Upon recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) which was extended to the outer continental shelf by Section 4(f) of the Outer Continental Shelf Lands Act of 1953, as amended (43 U.S.C. 1333(e)), authorizations may be issued by the US Army Corps of Engineers, Savannah District or the Georgia Department of Natural Resources to add materials within the existing boundaries and/or expand existing Georgia Department of Natural Resources Artificial Reefs offshore in the Atlantic Ocean, within the jurisdiction of the Savannah District, under the following Regional Permit:

200501190 - Existing Offshore Artificial Reefs SAV, DUA, CAT, KTK, ALT, CCA, CDH, KC, L, J, F, G, A, KBY, SFC, DRH, MRY, DW, WW and TW may be added to and/or expanded within the limits defined by coordinates specified under Special Condition “q.”

Project Exclusions: This Regional Permit cannot be used to authorize:

- a. Any applications for “new” reefs.
- b. Any “private” reefs.
- c. Placement of material at Gray’s Reef National Marine Sanctuary.

Materials: Materials deployed under the Regional Permit shall be intended for the development of long-term fisheries habitat and fisheries enhancement. Materials utilized under this permit shall not be deployed at the artificial reefs solely for disposal purposes.

Materials approvable for use on Georgia’s Existing Offshore Artificial Reefs under this Regional Permit consist primarily of available materials and structures (a.k.a., “materials of opportunity,” or “secondary use materials”) and designed fishery enhancement units. Materials of opportunity include metal vessels; metal superstructure, girders, and spans; heavy metal vehicles, military equipment, and hardware (eg., tanks, armored personnel carriers, airplanes); heavy metal earth-moving, construction, transportation, and production equipment; metal forms; concrete rubble;

moving, construction, transportation, and production equipment; metal forms; concrete rubble; concrete pipe, culvert, boxes, and forms; concrete pilings; natural rock or stone; and similar long-term, high density materials.

Designed fishery enhancement units include benthic structures and/or midwater units. Designed units may be constructed of concrete, metal, and other suitable, clean, high-density materials either alone or in combination.

All materials, materials of opportunity, and designed fisheries enhancement units utilized for artificial reef development under this Regional Permit must be approved by the Georgia Department of Natural Resources, Artificial Reef Development Program; satisfy all requirements outlined in the Regional Permit; and possess the following minimum characteristics: 1) adequate ballasting, as needed to ensure ongoing site fidelity following placement; 2) durability, featuring long-term material and unit integrity; 3) independent long-term stability of all individual materials/units and components; 4) long-term habitat and fisheries enhancement value; and 5) cleanup/preparations according to U.S. Coast Guard, Environmental Protection Agency, and U.S. Army Corps of Engineers standards.

Material Exclusions: Materials specifically not allowed for use under this Regional Permit include wooden vessels, tires, fiberglass vessels, PVC, and similar low-density synthetic materials not integrally bound into units and ballast materials.

Applicant: An applicant, for the purpose of this Regional Permit, is any agent, firm, or individual who requests use of this Regional Permit at least 30 days prior to beginning the requested work. The applicant must furnish to the Georgia Department of Natural Resources the proposed location of work, a vicinity and location map, a detailed description of the type and placement of material to be used, the projected vertical relief of the material and Mean Low Water (MLW) clearances, and the written intention to comply with all terms and conditions of the Regional Permit.

Permittee: A Permittee, for the purpose of this Regional Permit, is any applicant who receives authorization from the Georgia Department of Natural Resources and/or Savannah District Corps of Engineers to add to and expand artificial reefs, as may be authorized under this Regional Permit.

I. GENERAL CONDITIONS – The above-described structures and activities may be authorized under this Regional Permit subject to the following conditions:

a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this Permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this Permit, which may result in the modification, suspension, or revocation of this Permit, in whole or in part, as set forth more specifically in General Conditions “j” or “k” hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this Permit has been previously modified, suspended, or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve, during their construction or operation, any discharge of pollutants into waters of the United States, be at all times consistent with applicable water quality standards, effluent limitations, and standards of performance, prohibitions, pre-treatment standards, and management practices established pursuant to the Clean Water Act (33 U.S.C. 1344), the Marine Protection, Research, and Sanctuaries Act of 1972 (P.L. 92-532: 86 Stat 1052), and pursuant to applicable state and local law.

c. That when an activity authorized herein involves a discharge during its construction or operation of any pollutant (including dredged or fill material) into waters of the United States, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this Permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the discharge will not jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation or destroys or adversely modifies the critical habitat of such species. The permittee or the Georgia Department of Natural Resources will notify the District Engineer if any listed species or critical habitat might be affected and no work shall be shall begin until the requirements of the Endangered Species Act have been satisfied.

e. That every reasonable effort shall be made to prosecute the work authorized herein in a manner so as to minimize any adverse impacts of the work on fish, wildlife, and natural environmental values.

f. That the work authorized herein will be prosecuted in a manner so as to minimize any degradation of water quality.

g. That the District Engineer or their authorized representative(s) or designee(s) be allowed to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this Permit is in accordance with the terms and conditions prescribed herein.

h. That the artificial reef structures or work authorized herein shall be monitored to ensure adherence to and maintenance in reasonable accordance with plans and drawings enclosed hereto and overall Permit specifications.

i. That this Regional Permit does not authorize or approve the construction of particular structures which may require authorization by the Congress or other agencies of the Federal government.

j. That, if and when the activity authorized herein is abandoned, unless such abandonment is part of a transfer procedure by which interests herein are being transferred to a third party, the area(s) must be restored to a condition satisfactory to the District Engineer.

k. That, if the recording of an authorization under this Permit is required under applicable State or local law, such actions as may be necessary shall be taken to record the authorization with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interest in real property.

l. That there shall be no unreasonable interference with navigation or public use by the existence or use of the activity authorized herein.

m. That an activity authorized to a Permittee under this Regional Permit may not be transferred to a third party without prior written notice and approval by the District Engineer and the Georgia Department of Natural Resources, requiring either the transferee's written agreement to comply with all terms and conditions of the Regional Permit and the Permittee's authorization for the activity issued under the Permit or by the transferee subscribing to an authorization issued to them under the Permit and thereby agreeing to comply with all terms and conditions of the Regional Permit and their authorization. In addition, if a Permittee's interests authorized herein are transferred by conveyance or realty, the deed shall reference the Permittee's authorization and the Regional Permit and the terms and conditions specified herein, and their authorization under this Permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

n. That if, during prosecution of the work authorized herein, a previously unidentified archaeological or other cultural resource is encountered within the area subject to Department of the Army jurisdiction that might be eligible for the National Register of Historic Places, the District Engineer shall be immediately notified.

o. That a Permittee shall notify the Georgia Department of Natural Resources at least 10 working days in advance of each deployment and other activities approved by the Georgia Department of Natural Resources under the Regional Permit, unless otherwise approved by the Georgia Department of Natural Resources.

## II. SPECIAL CONDITIONS:

a. Structures and activities that may be hazardous to navigation or that may produce adverse effects on the chemical, physical, or biological integrity of the water body, are not authorized under this Regional Permit.

b. An applicant other than the Georgia Department of Natural Resources must submit satisfactory plans for review, in writing, to the Georgia Artificial Reef Development Program, Georgia Department of Natural Resources, Coastal Resources Division, One Conservation Way, Suite 300, Brunswick, Georgia 31520-8686.

c. Conformance with description and quantities contained herein does not necessarily guarantee consideration and/or subsequent authorization under the Regional Permit.

d. This Regional Permit is valid until October 17, 2010, or until suspended or revoked, in whole or in part, if it is determined that the cumulative effects of any activities pursuant to them adversely affect water quality, navigation, or other public interest factors. Such suspension shall be effective upon issuance of a public notice, which shall indicate the date and reason for the suspension. Reviews will be conducted periodically to determine if continuation of this Permit is in the overall public interest. If a permittee commences or is under contract to commence an approved activity before the date the Regional Permit expires, he will have 12 months from the date of expiration to complete the activity under the present terms and conditions of this Regional Permit.

e. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

f. Authorization will not be issued under this Regional Permit, which will impact, affect, or otherwise degrade cultural resources such as archaeological, scientific, prehistoric, or historic sites or data.

g. That no attempt shall be made by the permittee to prevent the full and free use of the public of all navigable waters at or adjacent to the activity authorized by this permit.

h. That if the display of lights, signals, and/or signage on any structure or work authorized herein is not otherwise provided for by law, such lights, signals, signage, and associated buoys or markers as may be prescribed by the US Coast Guard shall be installed and maintained by and at the expense of the Georgia Department of Natural Resources or other Permittee(s), as authorized under this Permit.

i. That the reef material will be thoroughly cleaned in accordance with Environmental Protection Agency standards for water quality and approved by the US Coast Guard, the US Environmental Protection Agency, and the US Army Corps of Engineers.

j. That, prior to deployment, all potential flotsam will be removed, per US Coast Guard standards.

k. That the permittee agrees that all personnel associated with the project will be advised that there are civil and criminal penalties for harming, harassing or killing Northern Right Whales which are protected under the Endangered Species Act of 1973 and the Marine Mammal Act of

1972. The permittee and/or contractor will be held responsible for any Right Whale harmed, harassed or killed as a result of construction activities.

l. That the permittee shall undertake all measures necessary to avoid impacts to marine mammals and sea turtles during tug deployment operations and that no deployments will be made if Northern Right Whales have been seen in the area.

m. That explosives shall not be used during the period, 1 November through 30 April to avoid potential conflicts with Northern Right Whale populations.

n. That during the period, 1 November through 30 April, the Georgia Department of Natural Resources shall contact the SE Right Whale Coordinator for NOAA Fisheries, SERO Protected Resources Division(904-321-2806) prior to deployment.

o. That the permittee agrees that the contractor shall keep a log detailing sightings, collisions, or injury to marine mammals which have occurred during the deployment period.

p. That positioning and placement of the reef material will be accomplished in a manner which will assure accurate positioning at the location(s) authorized.

q. That development efforts to expand the existing reef sites shall not exceed the site boundaries authorized in this Regional Permit and heights of deployed reef materials shall not extend above the minimum Mean Low Water (MLW) depth limits authorized for each individual reef, as described below. Corner coordinates are provided in degrees (°) and minutes (') North (N) Latitude and degrees (°) and minutes (') West (W) Longitude. Corner coordinates are based on North American Datum of 1983. Water depths are provided in feet at Mean Low Water (MLW). Approximate distances are provided in nautical miles (nm):

1. Artificial Reef "SAV". Corner coordinates 31° 55.4' N, 80° 47.6' W; 31° 55.4' N, 80° 45.2' W; 31° 53.4' N, 80° 45.2' W; & 31° 53.4' N, 80° 47.6' W. Located approximately 4.5 nm southeast of Tybee Island, Georgia. Minimum authorized water depth clearance: -22' MLW.

2. Artificial Reef "DUA". Corner coordinates 31° 47.8' N, 80° 54.5' W; 31° 47.8' N, 80° 52.1' W; 31° 45.8' N, 80° 54.5' W; & 31° 45.8' N, 80° 52.1' W. Located approximately 5.5 nm east of Ossabaw Island, Georgia. Minimum authorized water depth clearance: -22' MLW.

3. Artificial Reef "CAT". Corner coordinates 31° 40.2' N, 80° 58.6' W; 31° 40.2' N, 80° 56.2' W; 31° 38.2' N, 80° 58.6' W; & 31° 38.2' N, 80° 56.2' W. Located approximately 7.0 nm east of St. Catherines Island, Georgia. Minimum authorized water depth clearance: -22' MLW.

4. Artificial Reef "KTK". Corner coordinates 31° 31.3' N, 81° 01.5' W; 31° 31.3' N, 80° 59.1' W; 31° 29.3' N, 81° 01.5' W; & 31° 29.3' N, 80° 59.1' W. Located approximately 7.0 nm east of Blackbeard Island, Georgia. Minimum authorized water depth clearance: -22' MLW.

5. Artificial Reef “ALT”. Corner coordinates 31° 18.6’ N, 81° 09.4’ W; 31° 18.6’ N, 81° 07.0’ W; 31° 16.6’ N, 81° 09.4’ W; & 31° 16.6’ N, 81° 07.0’ W. Located approximately 6.0 nm east of Little St. Simons Island, Georgia. Minimum authorized water depth clearance: -22’ MLW.

6. Artificial Reef “CCA”. Corner coordinates 31° 43.7’ N, 80° 42.3’ W; 31° 43.7’ N, 80° 40.0’ W; 31° 41.7’ N, 80° 42.3’ W; & 31° 41.7’ N, 80° 40.0’ W. Located approximately 22.0 nm east of Ossabaw Island, Georgia. Minimum authorized water depth clearance: -28’ MLW.

7. Artificial Reef “CDH”. Corner coordinates 30° 52.0’ N, 81° 10.9’ W; 30° 52.0’ N, 81° 08.5’ W; 30° 50.0’ N, 81° 10.9’ W; & 30° 50.0’ N, 81° 08.5’ W. Located approximately 13.5 nm east of Cumberland Island, Georgia. Minimum authorized water depth clearance: -28’ MLW.

8. Artificial Reef “KC”. Corner coordinates 31° 51.2’ N, 80° 47.7’ W; 31° 51.2’ N, 80° 45.3’ W; 31° 49.2’ N, 80° 47.7’ W; 31° 49.2’ N, 80° 45.3’ W. Located approximately 9.0 nm southeast of Tybee Island, Georgia. Minimum authorized water depth clearance: -22’ MLW.

9. Artificial Reef “L”. Corner coordinates 31° 46.0’ N, 80° 37.1’ W; 31° 46.0’ N, 80° 34.7’ W; 31° 44.0’ N, 80° 37.1’ W; 31° 44.0’ N, 80° 34.7’ W. Located approximately 23.0 nm east of Ossabaw Island, Georgia. Minimum authorized water depth clearance: -35’ MLW.

10. Artificial Reef “J”. Corner coordinates 31° 36.7’ N, 80° 50.0’ W; 31° 36.7’ N, 80° 47.3’ W; 31° 34.7’ N, 80° 50.0’ W; 31° 34.7’ N, 80° 47.3’ W. Located approximately 17.0 nm east of St. Catherines Island, Georgia. Minimum authorized water depth clearance: -28’ MLW.

11. Artificial Reef “F”. Corner coordinates 31° 06.8’ N, 81° 13.4’ W; 31° 06.8’ N, 81° 10.5’ W; 31° 04.8’ N, 81° 13.4’ W; 31° 04.8’ N, 81° 10.5’ W. Located approximately 9.0 nm east of Jekyll Island, Georgia. Minimum authorized water depth clearance: -28’ MLW.

12. Artificial Reef “G”. Corner coordinates 31° 00.0’ N, 80° 59.2’ W; 31° 00.0’ N, 80° 56.8’ W; 30° 58.0’ N, 80° 59.2’ W; 30° 58.0’ N, 80° 56.8’ W. Located approximately 23.0 nm east of Little Cumberland Island, Georgia. Minimum authorized water depth clearance: -35’ MLW.

13. Artificial Reef “A”. Corner coordinates 30° 57.4’ N, 81° 16.3’ W; 30° 57.4’ N, 81° 13.9’ W; 30° 55.4’ N, 81° 16.3’ W; 30° 55.4’ N, 81° 13.9’ W. Located approximately 7.0 nm east of Little Cumberland Island, Georgia. Minimum authorized water depth clearance: -22’ MLW.

14. Artificial Reef “KBY”. Corner coordinates 30° 48.6’ N, 81° 17.4’ W; 30° 48.6’ N, 81° 15.0’ W; 30° 46.6’ N, 81° 17.4’ W; 30° 46.6’ N, 81° 15.0’ W. Located approximately 8.0 nm east of Cumberland Island, Georgia. Minimum authorized water depth clearance: -22’ MLW.

15. Artificial Reef "SFC". Corner coordinates 31° 01.3' N, 81° 03.4' W; 31° 01.3' N, 81° 01.4' W; 30° 59.8' N, 81° 03.4' W; 30° 59.8' N, 81° 01.4' W. Located approximately 18.0 nm east of Little Cumberland Island, Georgia. Minimum authorized water depth clearance: -28' MLW.

16. Artificial Reef "DRH". Corner coordinates 31° 18.0' N, 80° 59.0' W; 31° 18.0' N, 80° 56.6' W; 31° 16.0' N, 80° 59.0' W; 31° 16.0' N, 80° 56.6' W. Located approximately 15.0 nm east of Little St. Simons Island, Georgia. Minimum authorized water depth clearance: -28' MLW.

17. Artificial Reef "MRY". Corner coordinates 30° 47.5' N, 81° 07.8' W; 30° 47.5' N, 81° 05.5' W; 30° 45.5' N, 81° 07.8' W; 30° 45.5' N, 81° 05.5' W. Located approximately 18.0 nm east of Cumberland Island, Georgia. Minimum authorized water depth clearance: -46' MLW.

18. Artificial Reef "DW". Corner coordinates 31° 22.8' N, 79° 51.1' W; 31° 22.8' N, 79° 49.8' W; 31° 19.8' N, 79° 51.1' W; 31° 19.8' N, 79° 49.8' W. Located approximately 70.0 nm east of Sapelo Island, Georgia. Minimum authorized water depth clearance: -60' MLW.

19. Artificial Reef "WW". Corner coordinates 31° 43.5' N, 79° 59.3' W; 31° 43.5' N, 79° 55.7' W; 31° 42.2' N, 79° 59.3' W; 31° 42.2' N, 79° 55.7' W. Located approximately 50.0 nm southeast of Wassaw Island, Georgia. Minimum authorized water depth clearance: -60' MLW.

20. Artificial Reef "TW". Corner coordinates 31° 04.8' N, 80° 10.0' W; 31° 04.8' N, 80° 07.4' W; 31° 03.8' N, 80° 10.0' W; 31° 03.8' N, 80° 07.4' W. Located approximately 63.0 nm east of Jekyll Island, Georgia. Minimum authorized depth clearance: -60' MLW.

r. That post-placement GPS or DGPS coordinates, bearings, and any other locational information required by the Georgia Department of Natural Resources for materials placed at any approved sites shall be provided by a Permittee to the Georgia Artificial Reef Development Program, Georgia Department of Natural Resources, Coastal Resources Division within 10 days of deployment.

s. Prior to issuance of authorization or placement of materials at Artificial Reef "MRY," as described under Section "q", paragraph 17 of the Regional Permit, the Georgia Department of Natural Resources shall:

1. Notify the following agencies:

Commander  
Submarine Group 10  
ATTN: Operations Officer  
1050 USS Georgia Avenue  
SUBASE Kings Bay  
Kings Bay, Georgia 31547-2609



Commander  
SUBASE Kings Bay  
ATTN: Port Services / Engineering  
1063 USS Tennessee Avenue  
Kings Bay, Georgia 31547-2606

2. The written notification must include the location of the work, a description of the projected operations, the anticipated amount material to be deployed, a description of the material(s) proposed for deployment, and projected post-deployment material elevations. A copy of this notification shall also be forwarded to:

District Engineer  
Savannah District Corps of Engineers  
ATTN: Regulatory Branch  
CESAS-OP-F  
100 West Oglethorpe Avenue  
Savannah, Georgia 31401-3640

3. Within 30 days of notification, Submarine Group 10 and SUBASE Kings Bay shall have the opportunity to submit a statement of approval, disapproval, or conditional approval to the Georgia Department of Natural Resources for the use of the described materials at Artificial Reef “MRY,” based on location, placement, elevation, stability, and durability/longevity of materials.

4. Proposed material placement shall not proceed at Artificial Reef “MRY” should Submarine Group 10 and SUBASE Kings Bay disapprove use of the material in its written response to the Georgia Department of Natural Resources. Disapprovals and conditional approvals must be fully explained and detailed.

5. Material placement may be initiated upon approval or if no written response is received from Submarine Group 10 or SUBASE Kings Bay within the 30-day comment period. Material placement may also be initiated if the terms of a conditional approval are satisfied.

6. Following development operations at Artificial Reef “MRY,” the Georgia Department of Natural Resources will provide GPS locational information for deployed materials to Submarine Group 10 and SUBASE Kings Bay.

t. That upon issuance of an authorization under this Regional Permit, the Georgia Department of Natural Resources shall notify the following:

Director, National Imagery Mapping Agency  
Headquarters Bethesda  
Marine Safety Information Division  
4600 Sangamore Road  
Bethesda, MD 20816-5003

Director, National Ocean Survey  
National Oceanic and Atmospheric Administration  
US Department of Commerce  
ATTN: Nautical Data Branch  
N/CS26, Station 7317  
1315 East-West Highway  
Silver Spring, MD 20910-3282

Commander  
SUBASE Kings Bay  
ATTN: Port Services / Engineering  
1063 USS Tennessee Avenue  
Kings Bay, Georgia 31547-2606

Commander  
Submarine Group 10  
ATTN: Operations Officer  
1050 USS Georgia Avenue  
SUBASE Kings Bay  
Kings Bay, Georgia 31547-2609

The Minerals Management Service  
US Department of Interior  
281 Elden Street  
Herndon, Virginia 20170

Commander (OAN)  
Seventh Coast Guard District  
Brickell Plaza Federal Building  
909 SE First Avenue  
Miami, FL 33131-3050

Captain of the Port  
US Marine Safety Office – Savannah  
222 West Oglethorpe Avenue, Suite 1017  
Savannah, Georgia 31401

US Department of the Interior  
Fish & Wildlife Service  
4720 Norwich Street  
Brunswick, GA 31520-2523

US Environmental Protection Agency  
Region IV  
Chief, Coastal and Nonpoint Source Section  
Sam Nunn Atlanta Federal Center  
61 Forsyth Street SW  
Atlanta, GA 30303

District Engineer  
Savannah District Corps of Engineers  
ATTN: Regulatory Branch  
CESAS-OP-F  
100 West Oglethorpe Avenue  
Savannah, Georgia 31401-3640

### III. FURTHER INFORMATION:

a. Congressional Authorities: Authorization to undertake the activities described above are pursuant to Section 10 of the Rivers and Harbors Act of 1899 ((33 U.S.C. 403).

b. Limits of this authorization:

1. This Permit does not obviate the need to obtain other Federal, State or local authorizations required by law.
2. This Permit does not grant any property rights or exclusive privileges.
3. This Permit does not authorize injury to the property or rights of others.
4. This Permit does no authorize interference with any existing or proposed Federal project.

c. Limits of Federal Liability. In issuing this Permit, the Federal Government does not assume any liability for the following:

1. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
2. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public's interest.
3. Damages to person, property or to other permitted or unpermitted activities or structures caused by the activity authorized by this Permit.
4. Design or construction deficiencies associated with the permitted work.

5. Damage claims associated with any future modification, suspension or revocation of this Permit.

d. **Reevaluation of Permit Decision.** The US Army Corps of Engineers may reevaluate its decision on any activity authorized by a Regional Permit at any time the circumstances warrant. Circumstances that would require a reevaluation include, but are not limited to, the following:


1. The permittee's failure to comply with the terms and conditions of the Permit.
2. The information provided by the permittee in support of his Permit application proves to be false, incomplete or inaccurate.
3. Significant new information surfaces which the US Army Corps of Engineers did not consider in reaching the original public's interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification and revocation procedures contained in 33 CFR 325.7 or enforcement procedures provided in 33 CFR 326.4 and 326.5. The reference enforcement procedures provide for the issuance of an administrative order requiring the permittee to comply with the terms and conditions of his Permit authorizations and for the initiation of legal action where appropriate. The permittee will be required to pay for any corrective measures ordered by the US Army Corps of Engineers, and if the permittee fails to comply with such a directive, the US Army Corps of

Engineers may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill the permittee for the cost.

This Regional Permit becomes effective on **NOV 03 2005**, when the Federal official, designated to act for the Secretary of the Army, has signed below.

BY THE AUTHORITY OF THE SECRETARY OF THE ARMY:

  
for Mark S. Held  
Colonel, US Army  
District Engineer

Enclosures

1. Location Map.
2. Reef Site Plans (20 pages)
3. Buoy Diagram.